

**Town of Leicester Conservation Commission
Meeting Minutes
July 17, 2019**

MEMBERS PRESENT: James Cooper, John Marc-Aurele and Dawn Marttila

MEMBERS ABSENT: Stephan Parretti, Chair, JoAnn Schold

STAFF PRESENT: Michelle Buck, Town Planner and Maureen Schur, Department Assistant

MEETING TIME: 6:00 PM

AGENDA:

1. **Board Re-Organization**
2. **Certificate of Compliance**
 - a) Mark Goretti, Champid Realty Trust, 147 Main Street, building demolition (DEP#197-0555), *continued*
 - b) James Wessell, 231 Pine, driveway for single-family home, (DEP#197-0612)
 - c) Thomas Moughan, 155 Rawson St, single family home, (DEP #197-437), reissuance of 5/2018 CoC
3. **Request for Determination of Applicability (RDA)**
19 Ackley Drive (well)/Christopher Hallen
4. **Request for Determination of Applicability (RDA)**
Highway Department (Burncoat Lane, McCarthy Ave, Pleasant St, Craig Street, Hemlock Street, Pine Ridge Dr. Cleaning of swales Whittemore Rd to White Birch and Pine Street to Manville Street)
5. **Notice of Intent (NOI)**
1762 Main Street (demolish existing building and construct a parking lot.)/Cultivate Holdings, LLC (DEP #197-0651), *continued*
6. **Notice of Intent (NOI)**
403 Mulberry Street (construct single family home)/Thomas Savage (DEP # 197-0648), *continued*
7. **Notice of Intent (NOI)**
14 Massasoit Drive (construct an addition and deck)/Carl & Sharyn Dale (DEP #197-0649), *continued*
8. **Approval of Minutes**
 - 5/15/2019
 - 6/12/2019

Mr. Marc-Aurele called the meeting to order at 6:28pm

Certificate of Compliance, Mark Goretti, Champid Realty Trust, 147 Main Street (#197-0555) *continued*

No one was present for this application. The Board took no action.

Certificate of Compliance, 231 Pine St (driveway for a single family house) (DEP#197-0612)

Mr. Marc-Aurele noted that an engineer had submitted a statement indicating that the work was completed in conformance with approved plans.

MOTION: Mr. Cooper moved to approve the Certificate of Compliance for a single-family house located at 231 Pine Street St.

SECOND: Ms. Martilla Discussion: None.

VOTE: All in favor.

Certificate of Compliance, Thomas Moughan, 155 Rawson St, single family home, (DEP #197-437), reissuance of Certificate of Compliance

The homeowner lost the original Certificate of Compliance that was approved May 16, 2018 and requested a replacement. The Board signed a replacement Certificate of Compliance

Request for Determination of Applicability (RDA) 19 Ackley Drive (well)

The Board reviewed the documents presented by the homeowner Mr. Hallen.

MOTION: Mr. Cooper moved to approve the installation of a private well located at 19 Ackley Drive to service his single family home with a negative 3 determination. There is no NOI needed.

SECOND: Ms. Marttila

DISCUSSION: None

VOTE: All in favor.

Request for Determination of Applicability (RDA) Highway Department (Burncoat Lane, McCarthy Ave, Pleasant St, Craig St, Hemlock St, Pine Ridge Dr. Cleaning of swales Whittemore Rd to White Birch and Pine St to Manville St.)

No one was present for this application; discussion continued to the August 14, 2019 meeting.

Notice of Intent, 1762 Main Street (demolish existing building and construct a parking lot.)/Cultivate Holdings, LLC (DEP #197-0651), continued

Mr. Marc-Aurele read the hearing notice and introduced Mr. Norman Hill, Engineer from Land Planning Inc.

Mr. Hill explained that his client operates a business located at 1764 Main St. The owner of Cultivate proposes the construction of a 24 space parking lot to service the retail store located at 1762 main St. Mr. Hill explained the existing house and garage will be demolished. Mr. Hill further explained the Planning Board accepted the stormwater system as it meets all regulations and addressed DEP comments.

There was discussion by the Commission regarding the erosion control during construction and any extra groundwater leaching.

Mr. Hill explained there would be extra erosion controls put into place during the construction of the parking lot and there would be no increase in water leaching.

MOTION: Mr. Cooper moved to approve the NOI for 1762 Main Street with standard conditions.

SECOND: Ms. Marttila

DISCUSSION: None

VOTE: All in Favor.

Notice of Intent, 403 Mulberry Street (construct single family home)/Thomas Savage (DEP # 197-0648), continued

Mr. Marc-Aurele stated the Commission did a site walk of this property. There was a complaint from an abutter regarding a stream on the property. The Commission confirmed it is not a perennial stream. Mr. Marc-Aurele asked if there were any public comments. Ms. Joanna King from the City of Worcester Water Department asked about the stream as well. The Commission assured Ms. King the stream is not being affected by this project (work is well out of the buffer).

MOTION: Mr. Cooper moved to approve the NOI with standard conditions.

SECOND: Ms. Marttila

DISCUSSION: None

VOTE: All in favor

Notice of Intent, 14 Massasoit Drive (construct an addition and deck)/Carl & Sharyn Dale (DEP #197-0649), continued

Mr. Marc-Aurele asked if the homeowner was present and Mr. Carl and Mrs. Cheryl Dale were present. Mr. Marc-Aurele stated the commission did a site walk and confirmed all the work on this addition and deck will be completed on the flat part of the land. The homeowners were told they need haybales and silt fence before the work begins and the Commission needs to be notified before all work begins.

MOTION: Mr. Cooper moved to approve the NOI with the condition that erosion controls be installed at the top of the slope and standard conditions as well.

SECOND: Ms. Marttila

DISCUSSION: None

VOTE: All in favor

Board Discussion/Miscellaneous

Oakridge Estates (retaining wall complaint)

Mr. Marc-Aurele recognized Mr. Glenn Krevosky of EBT Environmental Consultants. Mr. Krevosky represents the Oakridge Homeowners Association and is challenging the previous decision [June 12, 2019] to allow the wetlands replication. The Homeowner's Association is concerned that the wetlands replication was completed without the following the proper protocol. Mr. Krevosky is requesting the Commission contact the DEP to discuss this situation.

The Commission agreed they would follow up by contacting DEP about this matter.

Mr. Arthur Allen, Eco-Tech stated he appeared before the Commission at the June 12, 2019 meeting and asked for permission to replicate the wetlands that had been disturbed. He was granted permission. Mr. Allen stated the work was completed. He noted his July 11, 2019 report on replication for the record.

Mr. Stephen Paquette, Board of Directors for the Homeowner's Association, asked if there was enough room to add more rip rap behind units 22 and 24. He is requesting more rip rap to ensure the wall is secure. He was told the extra 2 feet of rip rap would be in the wetlands. Mr. John Stelmock of Prospect Hill Estates stated the wall has been completed and has been signed off on by the Building Inspector. Mr. Paquette asked for clarification on who is responsible for the walls once the Certificate of Completion has been filed. He was told it would be the responsibility of the Homeowner's Association.

Mr. Wayne Leblanc, Homeowner's Association Attorney, asked if all communication to the DEP would be in writing and if those documents would be available to the Board. He was told yes, everything would be in writing and those documents would be put into the permanent file. The Commission also told Mr. Leblanc all parties will be informed as to the status. The Commission maintains this was a minor plan amendment.

Common Ground Land Trust (Miscellaneous)

Mr. Marc-Aurele recognized Ms. Jan Parke from the Common Ground Land Trust. Ms. Parke was asking about clarification on who is responsible for cleaning up after a car accident. There was an accident and a car went off the bridge at Auburn St. near Kettle brook and there is debris in the water. The straw, coil boom that was put in the water to absorb any oil from the vehicle had come loose as a tree had fallen on it. The Commission told Ms. Parke they would look into who was responsible for the cleanup. Ms. Parke also asked who is responsible for reporting alterations to the shoreline. She was directed to call the DEP directly to report.

Burncoat Pond Watershed District

There was a brief discussion regarding the Burncoat Pond Watershed District and the Town of Spencer wanting to leave. If Spencer leaves there will be 3 at large seats. The Commission agreed they would wait to receive more information from the Selectman's office before requesting a seat, but won't object if the Town Administrator needs to act quickly and he feels it's important.

Approval of Minutes

5/15/2019 and 6/12/2019

MOTION: Mr. Cooper moved to approve the minutes of May 15, 2019 and June 12, 2019 as presented.

SECOND: Ms. Marttila

DISCUSSION: The Commission requested that future minutes be less detailed.

VOTE: All in favor

Board Discussion/Miscellaneous, continued

Leicester Emergency Planning Committee

Leicester Emergency Planning committee is looking for a representative from the Conservation Commission. Mr. Paretti is currently listed as a Board member. Ms. Buck will follow up with Mr. Paretti.

Planning Board Application

There was a brief discussion regarding the Open Space Residential Development Planning Board application (Smuggler's Cove) and Ms. Buck told the Commission the application is online. The Commission agreed to have further discussion on 8/14/2019.

500 Moose Hill Rd.

The Conservation Commission signed the Certificate of Compliance several months ago. The Replication Bond has not been returned. Ms. Buck will look into this further and email the Commission. Mr. Cooper agreed to do a site walk if needed.

Board Reorganization

MOTION: Mr. Cooper moved to maintain current officers for tonight's meeting and discuss Board reorganization at the next meeting on 8/14/2019

SECOND: Ms. Marttila

DISCUSSION: The Commission will re-organize at the next meeting when the entire Board is present.

VOTE: all in Favor;

MOTION: Mr. Cooper moved to adjourn the meeting.

SECOND: Ms. Marttila

DISCUSSION: None

VOTE: All in favor

Meeting adjourned at 7:50pm

Respectfully submitted:

Maureen Schur, Department Assistant

Documents included in meeting packet:

- Agenda
- Memo from Summit Engineering and Survey Inc.
- Request for CoC 231 Pine St.
- Request for copy of CoC 155 Rawson St
- Request for CoC 19 Ackley Dr and copy of application.
- Request for Determination of Applicability Highway Dept.
- Memo from Norman Hill regarding 1762 Main St.
- Memo from David Genereux regarding Burncoat Pond
- Meeting minutes for May 15, 2019 and June 12, 2019

Documents submitted at meeting:

- N/A